

SECOND REGULAR SESSION

HOUSE BILL NO. 2106

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAGEN-HARRELL.

Read 1st time March 5, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4408L.011

AN ACT

To repeal section 104.335, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for members of the general assembly.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 104.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 104.335, to read as follows:

104.335. 1. Any member whose employment terminated prior to September 1, 1972, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

2. (1) Any member whose employment terminated on or after September 1, 1972, and prior to July 1, 1981, and (a) who had served at least three full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had fifteen or more years of vesting service or who had ten or more years of vesting service and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the law in effect at the time the member's employment was terminated.

(2) Any member whose employment terminated on or after July 1, 1981, and (a) who had served at least [three] **two** full biennial assemblies as a member of the general assembly, or (b) who was other than a member of the general assembly and who had ten or more years of vesting

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 service at the date of termination of employment shall be entitled to a deferred normal annuity
18 based on the member's creditable service, average compensation and the law in effect at the time
19 the member's employment was terminated.

20 (3) Any member whose employment terminated on or after September 1, 1972, and who
21 had four or more years of vesting service as governor, lieutenant governor, secretary of state,
22 auditor, treasurer, or attorney general of this state shall be entitled to a deferred normal annuity
23 based on the member's creditable service, average compensation and the law in effect at the time
24 the member's employment was terminated.

25 (4) Any member whose employment terminated on or after September 28, 1985, and
26 who (a) had served less than [three] **two** full biennial assemblies as a member of the general
27 assembly, and (b) has less than ten years of vesting service as an employee other than a member
28 of the general assembly shall be entitled to two years of vesting service for each full biennial
29 assembly in which the member served plus an additional amount of vesting service for each
30 partial biennial assembly served, which amount shall be equal to the pro rata portion of the
31 biennial assembly so served. The total amount of vesting service provided for in this subdivision
32 shall be used to calculate the deferred normal annuity or deferred partial annuity to which such
33 member is entitled based on the member's creditable service, which includes all service
34 designated as vesting service under this subdivision, the member's average compensation, and
35 the law in effect at the time the member's employment was terminated.

36 3. Any member whose employment terminated on or after October 1, 1984, but before
37 September 28, 1992, and who was other than a member of the general assembly and who has five
38 or more years of vesting service as an employee at the date of termination of employment shall
39 be entitled to a deferred partial annuity based on the member's creditable service, average
40 compensation, and the law in effect at the time the member's employment was terminated, in the
41 following amounts:

42 (1) An employee with at least five years of vesting service, but less than six years, is
43 entitled to fifty percent of the amount payable as a deferred normal annuity;

44 (2) An employee with six years of vesting service, but less than seven years, is entitled
45 to sixty percent of the amount payable as a deferred normal annuity;

46 (3) An employee with seven years of vesting service, but less than eight years, is entitled
47 to seventy percent of the amount payable as a deferred normal annuity;

48 (4) An employee with eight years of vesting service, but less than nine years, is entitled
49 to eighty percent of the amount payable as a deferred normal annuity;

50 (5) An employee with nine years of vesting service, but less than ten years, is entitled
51 to ninety percent of the amount payable as a deferred normal annuity.

52 4. Any member whose employment terminated on or after September 28, 1992, and who

53 was other than a member of the general assembly and who has five or more years of vesting
54 service as an employee at the date of termination of employment shall be entitled to a deferred
55 normal annuity based on the member's creditable service, average compensation, and the law in
56 effect at the time the member's employment was terminated.

57 5. Any member who is entitled to a deferred normal annuity as provided in subsection
58 1, 2, 3, or 4 of this section and who reenters the service of a department and again becomes a
59 member of the system shall have the member's prior period of vesting service combined with the
60 member's current membership service, so that any benefits that may become payable under this
61 system by reason of the member's retirement or subsequent withdrawal will recognize such prior
62 period of vesting service.

63 6. (1) A vested member, an administrative law judge or legal advisor as defined in
64 section 287.812, RSMo, or a judge as defined in section 476.515, RSMo, who has terminated
65 all employment with the state of Missouri for a period of six months or longer, may make a
66 one-time election for the system to pay the present value of a deferred annuity or a benefit as
67 defined in section 287.812, RSMo, or section 476.515, RSMo, if the amount of such terminated
68 member's or person's creditable service is less than ten years, and if such terminated member or
69 person is not within five years of eligibility for receiving an annuity or benefit. Any such
70 member, administrative law judge, legal advisor or judge who terminates employment on or after
71 August 28, 1997, shall be eligible for the one-time election provided for in this subsection only
72 if the present value of the deferred annuity does not exceed ten thousand dollars. The present
73 value shall be actuarially determined by the system. Except as provided in subdivision (2) of this
74 subsection, any payment so made shall be a complete discharge of the existing liability of the
75 system with respect to such terminated member or person.

76 (2) Upon subsequent employment in a position covered under a system administered by
77 the Missouri state employees' retirement system, the employee, administrative law judge or judge
78 may elect, within one year of such employment, to purchase creditable service equal to the
79 amount of creditable service surrendered due to a payment as specified in this subsection. The
80 cost of such purchase shall be actuarially determined by the system, and shall be paid over a
81 period of not longer than two years from the date of election, with interest on the unpaid balance.

82 7. Any individual, covered by a retirement plan identified in chapter 104, chapter 287
83 or chapter 476, RSMo, who terminated employment prior to August 28, 1993, shall, upon
84 application to the board of trustees of the Missouri state employees' retirement system, be made,
85 constituted and appointed and employed by the board as a special consultant on the problems of
86 retirement, aging and other state matters for the remainder of the person's life. Upon request of
87 the board or the court from which the person retired, the consultant shall give opinions or be
88 available to give opinions in writing or orally in response to such requests. As compensation for

89 such services, the consultant shall be eligible to purchase or transfer, prior to retirement,
90 creditable service as set forth in section 105.691, RSMo.